



Town of Hampden
Planning Board
Wednesday, August 11, 2021, 7:00 pm
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Kelley Wiltbank, Chair
Richard Tinsman, Vice-Chair
Brent Wells
Jennifer Austin
Benjamin Dunham

Staff

Clifton Iler, Planner
Wanda Libbey, Recording Clerk
Ryan Carey, CEO

Public

Jim Kiser
Tom Rhoads
Maryanne Rhoads
Abraham Chevalier
Matt Fenner

1. Administrative

a. Minutes – July 14, 2021, regular meeting

Motion by Member Tinsman to approve July 14, 2021, minutes, regular meeting, with a correction to item 3.b changing member Austin to member Dunham seconding the motion to approve, second by Member Austin; motion carried 5/0/0.

2. Old Business

Chair Wiltbank updated members of the board on the Planning Board Workshop that was scheduled for Tuesday, July 20th, 2021, did not take place as there was not a quorum. The items that were on the agenda for that meeting will take place on a later date.

3. New Business

a. Emerson Luxe, LLC – Proposes an amendment to an approved site plan to add an additional 3,560 sf of new construction. This property is located on Tax Map 8, Lot 56. This property is in the Rural Zone.

Planner Iler's Report:

- The Planning Board approved the subdivision application on August 12, 2020.

- The proposal includes two quadruplexes, one duplex, plus an additional attached garage.
- Property is adjacent to Camp G. Pierce Webber (formerly known as Camp Prentiss)
- There will be three separate driveway entrances for the buildings.
- Director of Public Works worked with the applicant to develop the driveway locations in reference to site distance.
- Project is served by separate wells and private on-site disposal systems which have been resized and relocated to accommodate the site plan change.

Because the proposed footprint expansion exceeds 2,000 SF it is required to come back to the Planning Board for a full major site plan review.

Chair Wiltbank opened public hearing at 7:17 p.m.

There were no questions, concerns, or opposition. Chair Wiltbank closed the public hearing at 7:18 p.m.

Motion by member Tinsman to approve the Site Plan and Final Subdivision Plan for Emerson Luxe, LLC to construct proposal includes two quadruplexes, one duplex, plus an additional detached garage, on parcel 08-0-056, as previously described, subject to the conditions listed below:

1. That life safety issues be resolved prior to the issuance of a building permit, including that adequate water to the site for fire suppression be designed by the applicant and approved by the Deputy Fire Chief. The long-term functionality of the fire suppression system must be provided for to ensure the project will not overburden the Public Safety Department (refer to §4.1.6.2.9 of the Zoning Ordinance).
2. That the applicant must demonstrate that the site distance at each of the three driveways will meet Maine DOT standards and must receive approval from the Director of Public Works, prior to issuance of a Certificate of Occupancy.
3. That, in the event additional clearing along the road is required to achieve safe sight distance from any or all the driveways, that additional landscaping or screening (including structural elements such as fences) be proposed and installed, with approval of the plans as a minor revision under §4.1 by the Code Enforcement Officer prior to installation.
4. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.
5. That prior to issuance of a building permit for a structure, the applicant must demonstrate that the wells will be sufficient to supply the dwellings without impacting neighbors.

Seconded by Member Austin; motion carried 5/0/0

- b. 315 Emerson Mill Rd – Public Hearing for proposed Zoning District (Map) Amendment. The proposed Zoning Map Amendment includes the following properties: Rezone from Industrial

District parcel 08-0-064-A, a 11.2-acre parcel located at 315 Emerson Mill Road, parcel 08-0-060, a 6-acre parcel located at 269 Emerson Mill Road, parcel 08-0-061, a 1-acre parcel located at 281 Emerson Mill Road, parcel 08-0-062, a 1-acre located at 291 Emerson Mill Road, and parcel 08-0-064, a 2.2-acre parcel located at 321 Emerson Mill Rd., to the Rural district.

Chairman Wiltbank opened the public hearing at 7:28 p.m.

Planner Iler started by explaining how the Zoning District Map Amendment process works. He then continued by explaining the applicant's submission for a zone change for their property and four adjacent properties as well. It wasn't until the applicant spoke with the Code Enforcement Officer, to apply for a building permit to update their home, they were aware that their property was in the Industrial District which doesn't allow residential properties. That is the catalyst for this Zoning District Map Amendment. Rezoning this parcel to rural would allow the applicant to bring the residence up to code and allow the Code Enforcement Officer to complete a Certificate of Occupancy for their property. The adjacent property owners have provided letters asking that their properties also be included in the zone change. However, there are adjacent properties that did not submit a letter and were not included in this application but did receive notice of the public hearing. If the subject properties are proposed to be rezoned to Rural, and the adjacent properties are not, there is a potential for future industrial development. It is my recommendation that if the Planning Board chose to move to recommend adoption of zone change, to do so with the modification to include the adjacent properties to mitigate that risk.

Applicant Maryanne and Tom Rhodes, who reside at 315 Emerson Mill Road, started by explaining to the board that they had reached out to the property owner who had not provided a signed letter. Unfortunately, he has passed since this process began. The Rhodes have since reached out to his family, which live out of state, but they have shown no interest either way.

Mr. Rhodes purchased this property in 1997 to be use for office space. After a few years he moved his office to a new location and moved into what he thought was already considered a single-family dwelling with the town. It wasn't until their son; Matt considered building a home of his own on a back portion of this property that they realized this was in the industrial zone and homes were not allowed in this zone after 1963. They have since started the process of not only changing the zone their home is in, but also other abutting properties so that they can officially get a certificate of occupancy. They have had their septic and plumbing and electrical throughout the dwelling inspected to make sure it is up to code and gave the Planner a letter stating as such. Mrs. Rhodes stated that if this property is rezoned, she will make sure that the Sunrise Glass sign is taken down. Mr. Rhodes noted that the road is posted for 22,000 lbs. gross vehicle weight after the entrance to Pine Tree Landfill.

Abutting property owner Abraham Chevalier who resides at 321 Emerson Mill Road spoke in favor of the zone change. Abraham has lived in his home for five years. The home was built in the 1940's. He did know that it was zoned Industrial when he purchased it but did not understand the ramifications of this. He would like to see the zone changed so that if in the future he would like to expand on his home he could.

Abutting property owner, Matt Fenner, who resides at 269 Emerson Mill Road spoke in favor of the zone change. Matt was also aware his home was in the Industrial District when he purchased it but did not realize what that meant until now. By changing the zone to rural he

would be able to build a new home on the other property he owns which is also in the industrial zone.

Chair Wiltbank opened discussion to those opposed, in favor nor against the rezoning. Seeing none he closed the public hearing at 7:55 p.m.

Member Tinsman asked what the Economic Development Director's views are on changing the industrial zone to rural? CEO Ryan Carey spoke on behalf of the Economic Development Director, Amy Ryder, stating that she would speak in favor of the zone changes as well.

Planner Iler stated that the staff has meet several times on this and are in support of the zone change. With the caveat that the that the adjacent parcels are also included, to create a synonymous buffer using Emerson Mill Road.

Member Tinsman asked if adding residences as a conditional use have been discussed? Planner Iler stated that it has not been discussed. It is possible but if someone buys an adjacent property, they could develop an industrial use permitted by right.

CEO Ryan Carey also noted that if you have a conditional use, you would not be able to have a home-based business or an accessory dwelling. Changing the zone will enable the Rhodes family to get their home to code so that they can receive a certificate of occupancy. In most cases, not only mortgage companies are requiring certificates of occupancy but insurance companies as well which could cause a homeowner the loss of insurance.

Member Austin asked if the parcels that have been discussed that were not part of the application could be listed? Planner Iler explained that there are three parcels under one parcel number, which is 08-0-063. The other parcel is 08-0-064, which is divided into two zones, one being rural on Manning Hill Road as well as their back lot which is industrial.

Motion by Member Tinsman moved that the Planning Board recommend to Town Council that Tax Map/Lot 08-0-064, Tax Map/Lot 08-0-064-A, Tax Map/Lot 08-0-063, Tax Map/Lot 08-0-046, Tax Map/Lot 08-0-060, Tax Map/Lot 08-0-059, Tax Map/Lot 08-0-061 And Tax Map/Lot 08-0-062 be rezoned from industrial to rural. Seconded by Member Wells; motion carried 5/0/0 in favor.

4. Town Planner Report

CEO Ryan Carey explained to the board that they have received a zoning map application from Jim Kiser. After contacting Maine DEP with the area in question she agreed that there should be a map amendment. Staff will be bringing this zoning map amendment request to Planning Board next month.

In the process of this request staff has recognized several different areas. We have found out that the US Fish and Wildlife Service have changed several the areas and several wetland attributes and sizes and locations throughout Hampden. It would take a tremendous amount of staff time to go back and identify all these areas. We will be reviewing any areas that we receive building or planning request for and looking to see if there are any new areas in those specific locations.

It is important that the public is aware that this is a federal mandate, not a state or town mandate, that we are required to recognize areas as wetlands.

Planner Iler updated the board concerning LD1312 and his progress and timeline with the Subdivision Ordinance.

5. Planning Board Comment

Chair Wiltbank encouraged board members to reply to Wanda's emails by selecting yes or no rather they will be attending Planning Board Meetings when they get the monthly request.

6. Adjournment

Motion by Member Dunham moved to adjourn the meeting at 8:25 pm, seconded by Member Tinsman; motion carried 5/0/0.

Respectfully submitted by:
Wanda Libbey, Administrative Asst.